

REMARKS

The present request is submitted in response to the final Office Action dated April 22, 2005, which set a three-month period for response, making this amendment due by July 22, 2005 and with the initial two-month period for response expiring on June 22, 2005.

Claims 15-31 are pending in this application.

In the Office Action, claims 15-17, 20, 21, and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,265,270 to Stengel et al in view of U.S. Patent No. 5,339,455 A to Vogt et al and U.S. Patent No. 5,450,622 to Vandegraaf. Claims 18, 19, 26, and 27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Stengel et al in view of Vogt et al and Vandegraaf, and further in view of U.S. Patent No. 5,369,803 A to Hirasawa. Claim 22 was rejected under 35 U.S.C. 103(a) as being unpatentable over Stengel et al in view of Vogt et al and Vandegraaf, and further in view of U.S. Patent No. 5,831,256 to De Larminat et al. Claim 23 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Stengel et al in view of Vogt et al and Vandegraaf, and further in view of U.S. Patent No. 4,430,609 to Van Kessel et al. Claims 24, 25, and 28-30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Stengel et al in view of Vogt et al and Vandegraaf and further in view of the Examiner's official notice.

The Applicants respectfully disagree with the Examiner's statement on pages 11-12 of the Office Action that claim 15 does not define that a re-change of the parameter takes place when a defective reception is detected.

Rather, the Applicants respectfully submit that claim 15 does indeed recite this limitation. Claim 15 defines that "in an event of error-free signal reception for a predetermined time, said evaluation unit lowers said at least one parameter". In addition, claim 15 defines that "in an event of defective signal reception said evaluation unit increases a parameter".

Thus, it is clear from the wording of claim 15 that if there is a change in the parameter due to error-free reception for a predetermined time, the parameter is re-changed in the event of defective signal reception.


To more clearly emphasize this distinction, claim 15 has been amended to recite that "in the event of further defective signal reception, said evaluation unit again increases said at least one parameter of said receiver part". The Applicants respectfully submit that this amendment does not raise new issues, since this limitation was recited already in claim 15, was argued in each prior amendment, and is recited now in amended claim 15 only in clearer terms.

The Applicants respectfully submit that amended claim 15 is patentable over the cited reference combination, because neither Stengel, Vogt, nor Vandegraaf suggests the above features. The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification. *In re Fritch*, 23 USPQ 2d 1780, 1783-84 (Fed. Cir. 1992).

For the reasons set forth above, the Applicants respectfully submit that claim 15, along with its dependent claims 16-31, is patentable over the cited reference combinations. The Applicants further request withdrawal of the rejections under 35 U.S.C. 103 and reconsideration of the application as herein amended.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



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